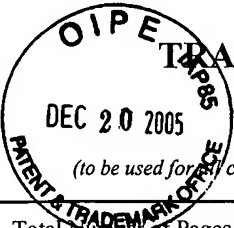
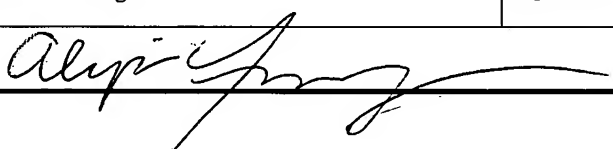
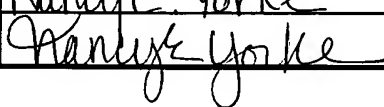


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|  <p>TRANSMITTAL FORM</p> <p>(to be used for correspondence after initial filing)</p> | Application Number | 10/541,270 | |
| | Filing Date | July 1, 2005 | |
| | First Named Inventor | Monaci, et al. | |
| | Art Unit | | |
| | Examiner Name | | |
| Total Number of Pages in This Submission | 5 | Attorney Docket Number | ITR0043YP |

| ENCLOSURES (Check all that apply) | | |
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| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please Identify below): |
| Remarks PTO 1449 Form (references) | | |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | | | |
|--|---|-----------------------------------|------------|
| Name | Alysia A. Finnegan | Registration No. (Attorney/Agent) | 48,878 |
| Signature |  | | Date |
| | | | 12/13/2005 |

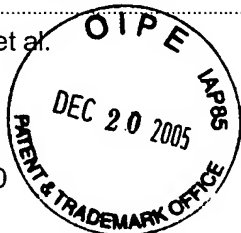
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Monaci, et al.

Serial No. 10/541,270

Filed: July 1, 2005

For: RHESUS MONKEY HER2/NEU, NUCLEOTIDES
ENCODING SAME, AND USES THEREOF

Art Unit: _____

Examiner: _____

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450SUPPLEMENTAL
INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR 1.97

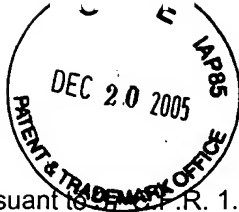
Sir:

1. In compliance with 37 C.F.R. 1.97, submitted on the attached form herewith is a list of patents, publications or other information which are requested to be made of record in this application. This Information Disclosure Statement is not an admission that any patent, publication or other information referred to herein is "prior art" for this invention. In accordance with 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).
2. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.
3. Applicants respectfully request that the Examiner initial the attached form after reviewing the pertinence of each reference.
4. Pursuant to 37 C.F.R. 1.98 (a)(2)(ii), copies of each cited U.S. patent and each U.S. patent application publication are not enclosed herewith.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK & CO., INC.

By Karen E. York Date 12/13/05

**INFORMATION DISCLOSURE STATEMENT**

5. Pursuant to 37 C.F.R. 1.98(d), copies of references listed on the attached form that were submitted to or cited by the Office in a related application upon which the instant application relies for an earlier filing date under 35 U.S.C. 120 are not enclosed. Related application(s) in which references were submitted to or cited by the Office are as follows:

| RELATED APPLICATION | | |
|---------------------|-------------|------------|
| U. S. SERIAL NUMBER | FILING DATE | MERCK CASE |
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If this is inconvenient, additional copies will be submitted upon request.

6. In accordance with 37 C.F.R. 1.97, (check one)

- ☐ the attached information is filed within three months of the filing date of the captioned case.
- ☒ the attached information is filed more than three months after the filing date but prior to the mailing of a first Office Action on the merits.
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- ☐ each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.
- ☐ each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart application *and this communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of the information disclosure statement.*
- ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated under 37 C.F.R. 1.56(c) more than three months prior to the filing of this Statement.

Respectfully submitted,

By: Alysia A. Finnegan

Attorney _____ For Applicant(s)

Reg. No. 48,878

MERCK & CO., INC.

Patent Dept., RY60-30

P.O. Box 2000

Rahway, N.J. 07065-0907

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| Sheet | 1 | of | 2 |
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|-------------------------------|----------------|
| Application Number | 10/541,270 |
| Filing Date | July 1, 2005 |
| First Named Inventor | Monaci, et al. |
| Group Art Unit | |
| Examiner Name | |
| Attorney Docket Number | ITR0043YP |

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Date Considered

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STATEMENT BY APPLICANT

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|---------------------------|------------|
| Application Number | 10/541,270 |
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| Filing Date | July 1, 2005 |
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| First Named Inventor | Monaci, et al. |
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Group Art Unit

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Sheet

2

of

2

Attorney Docket Number

ITR0043YP

NON PATENT LITERATURE DOCUMENTS

Examiner
Initials*Cite
No.

Include name of the author, title, date, page(s), volume-issue number(s) and place of publication.

Fendly, et al., "Successful Immunization of Rhesus Monkeys with the Extracellular Domain of p185HER2: A Potential Approach to Human Breast Cancer", Vaccine Research, Vol. 2, No. 3, pp. 129-139, 1993.

Hung, et al., "*HER-2/neu*-targeting gene therapy - a review", *Gene*, Vol. 159, No. 2, pp. 65-71, 1991.

Examiner
Signature

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*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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